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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,097

05/15/2007

Tomoya Takei

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1729

22852

7590

04/13/2011

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EXAMINER

ADAMS, BRET W

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,097	<b>Applicant(s)</b> TAKEI ET AL.	
	<b>Examiner</b> BRET ADAMS	<b>Art Unit</b> 2862	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 8-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/21/11</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to claims filed 3/21/2011.

#### ***Election/Restrictions***

1. Applicant's election without traverse of Species 1 - Figure 5 in the reply filed on 10/13/2009 is acknowledged.
2. For Species 1 - Figure 5, Applicant lists claims 1-7 and 10-12. However, upon further review, it claims 10-12 are directed specifically to non-elected Figure 12 as it clearly sets forth that Figure 12 has a first and second magnetic sensor, where Figure 5 discloses a single magnetic sensor. Accordingly, since applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, claims 10-12 are withdrawn from consideration as being non-elected without traverse.

#### ***Response to Arguments***

3. Applicant's arguments filed 3/21/2011 have been fully considered but they are not persuasive.
4. Applicant's remarks are directed to traversing that the base (**Inoue 18**) is not fixedly mounted in a lens barrel body. As such, the rejection below reflects that the base taught by Inoue is **18b**.

#### ***Claim Rejections - 35 USC § 102***

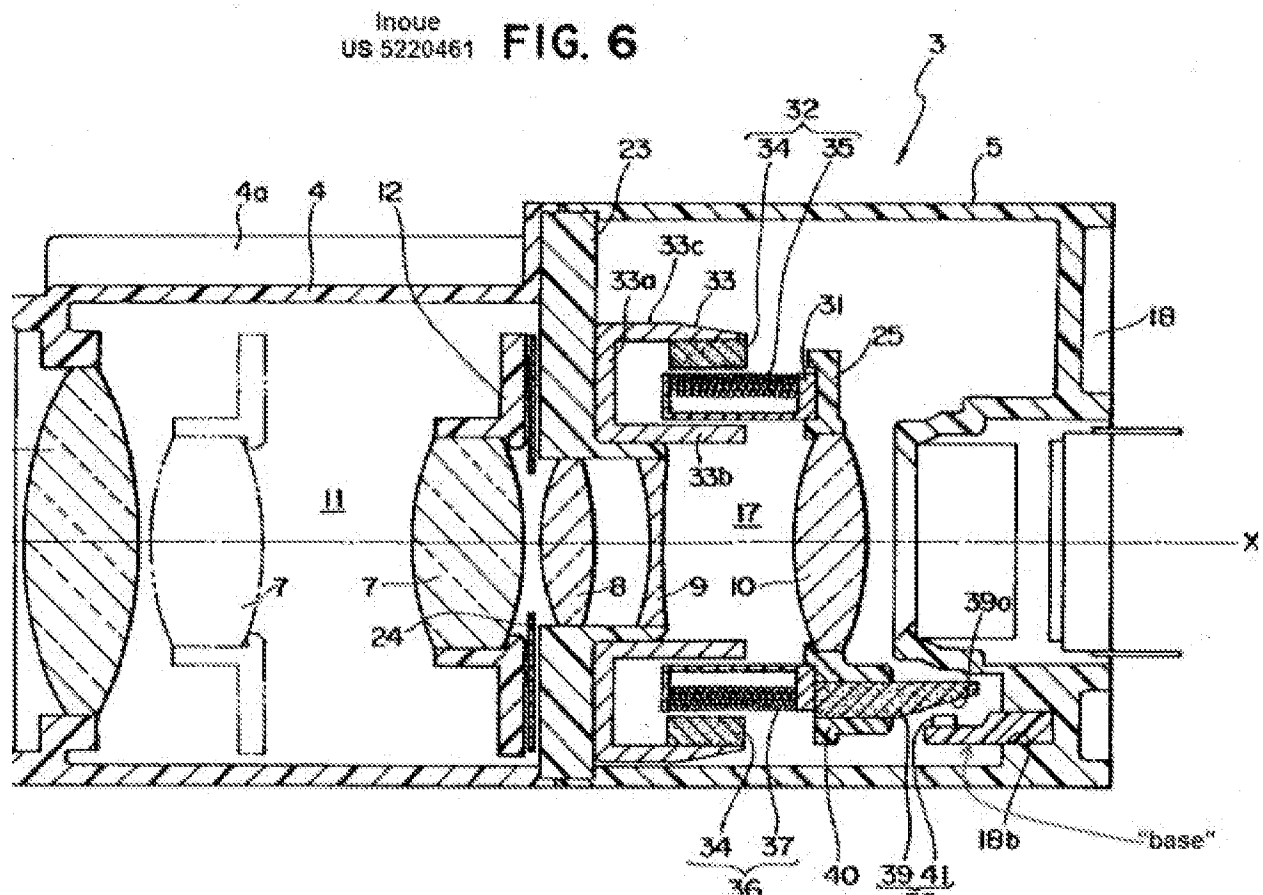
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue **(US 5220461)**.

7. Regarding claim 1, Inoue discloses a lens position detecting device for detecting the position of a lens **(10)** on a base **(at 18b, see examiner-annotated Fig 6 reproduced below)** in an optical axis direction **(X) (see Figs 2, 5-6)**, the base being fixedly mounted in a lens barrel body **(5)**, the device comprising: a position detecting magnet **(39)** mounted on said lens; a magnetic force detecting sensor **(41)** mounted on said base, for generating a detected signal having a magnitude depending on the intensity of a magnetic force generated from magnetic poles of said position detecting magnet **(see c.7 I.58 through c.8 I.8)**; and positional information generating means **(inherent)** for generating positional information of said lens on said base in said optical axis direction based on the magnitude of said detected signal **(see Figs 2, 5-6 and c.7 I.54 through c.8 I.8, where position is detected using a hall sensor and magnet and where the voltage level output by the hall sensor is used to determine position, thereby inherently disclosing a “positional information generating means” as there would necessarily need to be processing circuitry to use the hall sensor signal and control position of lens 10)**.



8. Regarding claim 2, Inoue further discloses wherein said lens is held by a lens holder frame (25), said position detecting magnet is mounted on said lens holder frame, and said magnetic force detecting sensor is mounted on said base (at 18b) (see Fig 6 above).

9. Regarding claim 3, Inoue further discloses the device further comprising a lens guide mechanism (22,21a) for holding said lens holding frame on said base for movement in said optical axis direction (see Fig 5).

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10. Regarding claim 4, Inoue further discloses wherein said position detecting magnet is magnetized in a direction parallel to said optical axis direction (**see Figs 2 and 6**).

11. Regarding claim 5, Inoue further discloses wherein said magnetic force detecting sensor comprises a Hall device (**see c.7 l.58 through c.8 l.8**).

12. Regarding claim 6, Inoue further discloses wherein said magnetic force detecting sensor is disposed on a straight line passing through said position detecting magnet parallel to the optical axis of said lens (**see Figs 2 and 6**).

13. Regarding claim 7, Inoue further discloses wherein said position detecting magnet is mounted on said lens holder frame, and said magnetic force detecting sensor is disposed on a straight line passing through said position detecting magnet parallel to the optical axis of said lens (**see Figs 2 and 6**).

### ***Conclusion***

14. This action is in response to a Request for Continued Examination (RCE). All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRET ADAMS whose telephone number is (571) 270-

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5028. The examiner can normally be reached on Monday through Friday between 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Clayton Laballe can be reached on 571-272-1594. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clayton E LaBalle/  
Supervisory Patent Examiner, Art Unit 2862

/BRET ADAMS/  
Examiner, Art Unit 2862

BWA